

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of KEITH ANTHONY RIDGELL,
JR., Minor.

PEOPLE OF THE STATE OF MICHIGAN,

Petitioner-Appellee,

v

KEITH ANTHONY RIDGELL, JR.,

Respondent-Appellee.

UNPUBLISHED

July 25, 2006

No. 261658

Wayne Circuit Court

Family Division

LC No. 04-431788-DL

Before: Neff, P.J., and Bandstra and Zahra, JJ.

MEMORANDUM.

Respondent appeals by delayed leave granted from a dispositional order in this delinquency proceeding in which the trial court found that respondent, a juvenile, committed first-degree criminal sexual conduct, MCL 750.520b(1)(a). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

In his sole issue on appeal, respondent argues that the trial court's finding that he committed first-degree criminal sexual conduct is clearly erroneous and contrary to the great weight of the evidence, because the complainant's testimony was not credible and uncorroborated. Respondent's argument mixes standards applicable to challenges to the "great weight" and sufficiency of the evidence.

Whether respondent's issue is characterized as a challenge to the great weight of the evidence, the sufficiency of the evidence, or a claim that the court's findings were clearly erroneous, this Court's analysis requires that deference be given to the fact-finder's assessment of the credibility of witnesses. *People v Lemmon*, 456 Mich 625, 642-643; 576 NW2d 129 (1998); *People v Wolfe*, 440 Mich 508, 514-515; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992); *People v Snell*, 118 Mich App 750, 755-756; 325 NW2d 563 (1982). In *Lemmon*, the Supreme Court emphasized that, absent exceptional circumstances, the issue of credibility should be left for the trier of fact. The exceptional circumstances identified by the Court in *Lemmon* include where the testimony is patently incredible, so inherently implausible that it could not be believed by a reasonable juror, in defiance of physical realities, or where the witness's testimony was seriously impeached and the case marked by uncertainties and discrepancies. *Id.*, pp 643-644.

In this case, the nine-year-old complainant contradicted herself at times, and her explanations for why she did not tell her mother's boyfriend about the incident, and why the first thing she told respondent's stepmother was that respondent had condoms, is confusing. But we cannot conclude that her testimony was so marked by uncertainties and discrepancies, or so inherently implausible, that it could not be believed, especially considering her young age. Ultimately, the trial court had the opportunity to view and hear the witness, and the court found her credible. We will not disturb the trial court's assessment of her credibility.

Affirmed.

/s/ Janet T. Neff
/s/ Richard A. Bandstra
/s/ Brian K. Zahra